

GOVERNMENT OF TELANGANA
ABSTRACT

Revenue (Endowments) Department – Hyderabad – Sri Balatripura Sundari Ammavari Temple, Vijayanagar colony in the premises of Sri Hanuman Temple – Vijayanagar Colony – Revision Petition filed by Sri Manmohan – Dismissed – Order - Issued.

REVENUE (ENDOWMENTS-II) DEPARTMENT

G.O.Rt.No. 504

Dated: 02-08-2017
Read the following:

1. Revision Petition dt. 26-06-2016 filed by Sri G.Manmohan, Hyd.
2. Govt. Memo.No.13872/Endt.II(A1)/2016, dt. 27-06-2016.
3. From the Commissioner of Endowments Lr.No.B1/29263/2016, dt. 23-12-2016.
4. Govt.Memo.No.28636/Endt.II(A1)/2016, dt. 02-02-2017.
5. From the Commissioner of Endowments Lr.No.B1/29263/2016, dt. 13-03-2017.
6. Govt. Memo.Nos. 13872/Endt.II(A1)/2016, dt. 27-06-2016 & dt. 03-05-2017.
7. Written arguments filed on behalf of the Revision Petitioner on 03-05-2017.

ORDER:

This revision petition filed under section 93 of the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987, is directed against order of the Regional Joint Director, Endowments Department, Hyderabad, Rc.No.A2/1566/2015-1, dt. 19-03-2016.

2. Sri Udaya Bhaskar, Counsel for Petitioner submitted his oral and written arguments in the matter on 03-06-2017 and 09-06-2017, respectively.

3. As seen from the impugned order and also the submissions made in the revision petition and written arguments, the admitted facts are that the subject matter temple namely Sri Balatripura Sundari Ammavari Temple was constructed in the premises of Sri Hanuman Temple, Vijayanagar Colony, Hyderabad, with financial aid from the CGF. The permission for construction which was given by the Commissioner, Endowments, vide proceedings Rc.No.E/4669/1989, dt. 27-02-1990, itself is subject to the condition, among others, that the temple so constructed shall be handed over to the executive authorities of Sri Hanuman Temple, Vijayanagar Colony, Hyderabad after its completion and the temple construction committee would have no right whatsoever in the management of the temple. While so, after completion of the temple in the year 1995 and takeover of its management by the executive authorities of Sri Hanuman Temple, Vijayanagar Colony, Hyderabad, one Mr. M.Babu Rao who was associated with the initial construction committee filed a series of cases before the various authorities under the Act and the High Court seeking to declare the subject temple as an independent temple and for recognizing him as the founder trustee. However, the claim of Sri M.Babu Rao was negated by all the authorities and Court and the subject temple was treated and managed as a sub-temple of Sri Hanuman Temple, Vijayanagar Colony, Hyderabad. However, during the year 2008, the subject temple was published as a separate temple under Section 6 (c)(2) of the Act 30 /1987 and Sri M.Babu Rao was appointed as a single trustee for a period of two years which was completed by 07-02-2010. Subsequently, the present petitioner came to be appointed as a single trustee in the year 2011. But the said appointment was suspended by the Commissioner, Endowments Department on 26-09-2011, aggrieved by which the present petitioner filed revision petition before the Government wherein an interim stay was granted on 16-11-2011. Subsequently, the said revision petition was disposed of on 15-09-2012 holding that the contentions of the present petitioner Sri G.Manmohan and Sri M.Babu Rao have no merit and directing to handover the subject temple to Sri Hanuman Temple, Vijayanagar Colony, Hyderabad, as requested by the Executive Officer of Sri Hanuman Temple in the interest of the institution.

4. Thus, it is evident that there is no founder trustee in respect of the subject temple and one Mr. M.Babu Rao and the present petitioner have been representing from time to time for appointment as single trustee in respect of the subject temple.

(PTO)

5. The main contention in the present representation is that the Regional Joint Commissioner, Endowments Department has no jurisdiction to pass the impugned order as the Government Memo No. 42774/Endt.II/A1/2011, dt. 15-09-2012, where under it was ordered to handover the subject temple to Sri Hanuman Temple, Vijayanagar Colony, Hyderabad, is the subject matter of WP No. 34503/2012 filed by Late M.Babu Rao, and as the said WP is still pending. It is also contended that the petitioner applied in response to the fresh notification issued for appointment of trustee in respect of the subject temple in January, 2016 and the order passed by the Regional Joint Commissioner is based on certain false allegations made against the petitioner. It is finally contended that revision petitioner may be appointed as single trustee of the subject temple setting aside the impugned order.

6. The Regional Joint Commissioner, Hyderabad in her impugned order which is the outcome of an inspection of the institution carried out on 20-02-2016 directed the Executive Officer of Sri Hanuman Temple, Vijayanagar Colony, Hyderabad, to assume charge of the subject temple.

7. It is evident from the facts narrated above that initially Sri M.Babu Rao was appointed as single trustee and on expiry of his term on 06-02-2010, the present petitioner was appointed as a single trustee on 03-07-2010, which in turn was suspended by the Commissioner of Endowments on 26-09-2011. The revision filed by the present petitioner thereon was disposed of by the Government on 15-09-2012 observing that both the candidates do not have merits and the temple be handed over to Sri Hanuman Temple, Vijayanagar Colony, Hyderabad, for management. The tenure of the present petitioner, in any case, is over and admittedly a fresh notification was issued in January, 2016 for appointment of trustee and the petitioner also applied in response to the said notification. In the circumstances there is no illegality or impropriety in the direction given by the Regional Joint Commissioner, Hyderabad in the impugned order to the Executive Officer of Sri Hanuman Temple, Vijayanagar Colony, Hyderabad, to assume charge of the subject temple, as admittedly the process of appointing of a new trustee is not completed.

8. Accordingly, the Government observe that there is no case made out to warrant interference under Section 93 of the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987 in the matter. The revision petition is accordingly dismissed.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

N.SIVA SANKAR
SECRETARY TO GOVERNMENT

To

Sri G.Manmohan, S/o. G.Shivaram, R/o. 11-3-1046, Gokulnagar, Vijayanagar Colony,
Hyderabad (through the Commissioner of Endowments, Hyd.)

Copy to:

The Commissioner of Endowments, Telangana, Hyderabad
The Regional Joint Commissioner, Endowment, Hyderabad
The Assistant Commissioner of Endowment, Hyderabad
SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER